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MAY 25 2006

OFFICE OF PETITIONS

In re Application of :
Bill Kitchen et al :
Application No. 09/820,804 : DECISION ON PETITION
Filed: March 30, 2001 : TO WITHDRAW
Attorney Docket No. 3350-05F : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 24, 2005.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Alfred A. Stadnicki on behalf of all attorneys/agents of record who are associated with customer No. 020457 and all other attorneys/agents of record. However, a review of the file record indicates that not all attorneys/agents associated with customer No. 020457 have power of attorney in this application or has been employed or otherwise engaged in the proceedings in this application. In view of the present decision, all attorneys/agents associated with customer No. 020457 have been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

Applicants are reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named inventor, or (2) the assignee of the entire interest. All future communications from the Office will continue to be directed to the first named inventor or the assignee of the entire interest at the below-listed address until otherwise properly notified by the applicants.

A power of attorney submitted on July 20, 2005 was improper. In this regard, compliance with 37 CFR 3.73(b) has not been satisfied in that the reel and frame number where the recorded assignment appears in the assignment records of the USPTO has not been provided. Therefore, in order for the power of attorney to be acceptable, compliance with 37 C.F.R. 3.73(b) must be satisfied. A form for complying with the provisions of 37 C.F.R. 3.73(b) may be found on the USPTO.gov website (Form No. PTO/SB/96).

Telephone inquiries concerning this decision should be directed to Wan Laymon at 571-272-3220.

This application is being referred to Technology Center AU 3624.


Denise Pothier
Petitions Examiner
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